UNITED STATES DISTRICT COURT

DISTRICT OF MAINE

KATHY POULIS MINOTT, *AS* *Personal Representative of the* *Estate of Carlyle Poulis Minott*,	))))	
PLAINTIFF	))	
v.	))	CIVIL NO. 03-10-P-H
DAVID W. SMITH,	))	
DEFENDANT	)	

ORDER AFFIRMING RECOMMENDED DECISION AND MEMORANDUM DECISION OF MAGISTRATE JUDGE COHEN AND ORDER AFFIRMING RULING OF MAGISTRATE JUDGE KRAVCHUK

United States Magistrate Judge Cohen filed with the court on September 5, 2003, with copies to counsel, his Recommended Decision on Cross-Motions for Summary Judgment and Memorandum Decision on Ancillary Motions. The plaintiff filed an objection to the Recommended Decision and Memorandum Decision on September 22, 2003. Magistrate Judge Kravchuk filed with the court on September 18, 2003, with copies to counsel, her Report of Telephone Conference and Order on Motion for Protective Order. The plaintiff filed an objection to this Order on October 1, 2003.

I have reviewed and considered the Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decision; I have reviewed all other rulings to determine

whether they are clearly erroneous or contrary to law; and I concur with the recommendations and rulings of the United States Magistrate Judges for the reasons set forth in the Recommended Decision and Memorandum Decision, and in the Order on Motion for Protective Order, and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of Magistrate Judge Cohen is hereby **ADOPTED**. The plaintiff's motion for summary judgment is **DENIED** and the defendant's motion for summary judgment is **GRANTED**. The rulings of the Memorandum Decision are **AFFIRMED**. The defendant's motion for protective order is **GRANTED**. These rulings **MOOT** all other pending motions and objections.

SO ORDERED.

DATED: NOVEMBER 5, 2003

/S/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE